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OCT 27 2016

October 14, 2016

Michail Brodetsky President Raymer Metals Inc. 15135 Raymer Street Van Nuys, CA 91405	Raymer Metals, Inc. c/o Michail Brodetsky Agent for Service of Process 14804 Magnolia Blvd #10 Sherman Oaks, CA 91403
Alexander Pilinsky Facility Contact/General Manager Raymer Metals Inc. 15135 Raymer Street Van Nuys, CA 91405	
Gina McCarthy, Administrator U.S. Environmental Protection Agency Mail Code: 1101A 1200 Pennsylvania Avenue, N.W. Washington, DC 20460	Samuel Unger, Executive Officer Regional Water Quality Control Board Los Angeles Region 320 West Fourth Street, Suite 200 Los Angeles, CA 90013
Jared Blumenfeld, Regional Administrator U.S. EPA, Region 9 75 Hawthorne Street San Francisco, CA 94105	Thomas Howard, Executive Director State Water Resources Control Board 1001 I Street Sacramento, CA 95814

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

To Whom It May Concern:

Brodsky & Smith, LLC ("Brodsky Smith") represents Jeanelle Jones ("Jones") a citizen of the State of California. This letter is to give notice that Brodsky Smith, on Jones's behalf, intends to file a civil action against Raymer Metals Inc. ("Raymer Metals") for violations of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* ("Clean Water Act" or "CWA") at Raymer Metals' facility located at 15135 Raymer Street, Van Nuys, CA 91405 (the "Facility").

Jones is a citizen of the State of California who is concerned with the environmental health of the Los Angeles River, and uses and enjoys the waters of the Los Angeles River, its inflows, and other areas of the overall Los Angeles River Watershed. Jones's use and enjoyment of these waters are negatively affected by the pollution caused by Raymer Metals' operations. Additionally, Jones acts in the interest of the general public to prevent pollution in these waterways, for the benefit of their ecosystems, and for the benefits of all individuals and communities who use these waterways for various recreational, educational, and spiritual purposes.

This letter addresses Raymer Metals' unlawful discharge of pollutants from the Facility via indirect flow into the Los Angeles River. Specifically, investigation of the Facility has uncovered

significant, ongoing, and continuous violations of the CWA and the National Pollutant Discharge Elimination System ("NPDES") General Permit No CAS000001 [State Water Resources Control Board] Water Quality Orders No. 2014-0057-DWQ (the "Industrial Stormwater Permit") and 92-12-DWQ (as amended by Order No. 97-03-DWQ) (the "Previous Industrial Stormwater Permit").¹

CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), a citizen must give notice of his or her intent to file suit. 33 U.S.C. § 1365(b). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur. As required by section 505(b), this Notice of Violation and Intent to File Suit provides notice to Raymer Metals of the violations that have occurred and which continue to occur at the Facility. After the expiration of sixty (60) days from the date of this Notice of Violation and the Intent to File Suit, Jones intends to file suit in federal court against Raymer Metals under CWA section 505(a) for the violations described more fully below.

During the 60-day notice period, Jones is willing to discuss effective remedies for the violations noticed in this letter. We suggest that Raymer Metals contact Jones's attorneys at Brodsky & Smith within the next twenty (20) days so that these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court, and service of the complaint shortly thereafter, even if discussions are continuing when the notice period ends.

I. THE LOCATION OF THE ALLEGED VIOLATIONS

A. The Facility

Raymer Metals' Facility is located at 15135 Raymer Street, Van Nuys, California. At the Facility, Raymer Metals operates as a manufacturer of silicone and EDPM hose products. At the Facility, the following industrial activities occur: (i) baling; (ii) sorting/receiving; (iii) outdoor storage; (iv) use of support equipment; (v) indoor storage; (vi) use of operational equipment; and (vii) removal of waste. Other activities carried out in the regular course of business at the facility include storage of fuel and other oils, maintenance, equipment storage, and waste storage. Repair and maintenance activities carried out at the facility include, but are not limited to, electrical, plumbing, roofing, asphalt, concrete, and utilities repairs as well as janitorial duties. Possible pollutants from the Facility include total suspended solids ("TSS"), waste oils, lubricants, fuel, trash, debris, hazardous materials, chemical oxygen demand ("COD"), oil and grease, pH, Nitrate plus Nitrite Nitrogen, heavy metals, such as aluminum, iron, zinc, copper and other pollutants. Stormwater from the Facility discharges, indirectly, into the Los Angeles River.

B. The Affected Water

The Los Angeles River and overall Los Angeles River Watershed are waters of the United States. The CWA requires that water bodies such as the Los Angeles River, and overall Los Angeles River Watershed meet water quality objectives that protect specific "beneficial uses." The beneficial uses of the Los Angeles River and overall Los Angeles River Watershed include commercial and sport fishing, estuarine habitat, fish migration, navigation, preservation of rare and endangered species, water contact and non-contact recreation, shellfish harvesting, fish spawning, and wildlife habitat. Contaminated stormwater from the Facility adversely affects the water quality of the Los Angeles River and overall Los Angeles River Watershed, and threatens the beneficial uses and ecosystem of these watersheds, which includes habitats for threatened and endangered species.

¹ On April 1, 2014, the State Water Resources Control Board adopted an updated NPDES General Permit for Discharges Associated with Industrial Activity, Water Quality Order No. 2014-57-DWQ, which has taken force or effect on its effective date of July 1, 2015. As of the effective date, Water Quality Order No. 2014-57-DWQ has superseded and rescinded the prior Industrial Stormwater Permit except for purposes of enforcement actions brought pursuant to the prior permit.

Raymer Metals' self-reporting of industrial stormwater discharges show a pattern of exceedances of Benchmark values and/or failure to adequately numerical pollutant discharge values in every instance of self-reporting. *See* Attachment 2. This pattern of exceedances of benchmark values and lack of self-reporting indicate that Raymer Metals has failed and is failing to employ measures that constitute BAT and BCT in violation of the requirements of the Industrial Stormwater Permit and Previous Industrial Stormwater Permit. Jones alleges and notifies Raymer Metals that its stormwater discharges from the Facility have consistently contained and continue to contain levels of pollutants that exceed Benchmark Values for Total Iron and Total Zinc, in the Annual Reporting Period of 2015-2016 and have failed to adequately report numeric pollutant discharge values for the 2014-2015 and 2013-2014 annual reporting periods.

Raymer Metals' ongoing discharges of stormwater containing levels of pollutants above EPA Benchmark values and BAT and BCT based levels of control also demonstrate that Raymer Metals has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Proper BMPs could include, but are not limited to, moving certain pollution-generating activities under cover or indoors capturing and effectively filtering or otherwise treating all stormwater prior to discharge, frequent sweeping to reduce build-up of pollutants on-site, installing filters on downspouts and storm drains, and other similar measures.

Raymer Metals' failure to develop and/or implement adequate pollution controls to meet BAT and BCT and the Facility violates and will continue to violate the CWA and the Industrial Stormwater Permit each and every day Raymer Metals' discharges stormwater without meeting BAT/BCT. Jones alleges that Raymer Metals has discharged stormwater containing excessive levels of pollutants from the Facility to the Los Angeles River during at least every significant local rain event over 0.2 inches in the last two (2) years.⁵ Attachment 3 compiles all dates in the last two (2) years when a significant rain event occurred. Raymer Metals is subject to civil penalties for each violation of the Industrial Stormwater Permit and the CWA within the past two (2) years.

B. Discharges Impairing Receiving Waters

The Industrial Stormwater Permit's Discharge Prohibitions disallow stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance. *See* Industrial Stormwater Permit § III; Previous Industrial Stormwater Permit, Order Part A(2). The Industrial Stormwater Permit also prohibits stormwater discharges to surface or groundwater that adversely impact human health or the environment. *See* Industrial Stormwater Permit § VI(b)-(c); Previous Industrial Stormwater Permit, Order Part C(1). Receiving Water Limitations of the Industrial Stormwater Permit prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards ("WQS") contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan. *See* Industrial Stormwater Permit § VI(a); Previous Industrial Stormwater Permit at Order Part C(2). Applicable WQS are set forth in the California Toxic Rule ("CTR")⁶ and Chapter 3 of the Los Angeles Region (Region 4) Water Quality Control Plan (the "Basin Plan").⁷ *See* Attachment 1. Exceedances of WQS are violations of the Industrial Stormwater Permit, the CTR, and the Basin Plan.

The Basin Plan establishes WQS for all Inland Surface and Coastal waters of Los Angeles and Ventura Counties, including but not limited to the following:

⁵ Significant local rain events are reflected in the rain gauge data available at: <http://www.ncdc.noaa.gov/cdo-web/search>.

⁶ The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31, 682 (May 18, 2000).

⁷ The Basin Plan is published by the Los Angeles Regional Water Quality Control Board at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml.

reduce pollutant levels in discharges to BAT and BCT levels in accordance with Section A(8) of the Industrial Stormwater Permit, as evidenced by the data in Attachment 2.

Accordingly, Raymer Metals has violated the CWA each and every day that it has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of § X(A) of the Industrial Stormwater Permit and/or § A Previous Industrial Stormwater Permit, and Raymer Metals will continue to be in violation every day until it develops and implements an adequate SWPPP. Raymer Metals is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring within the past two (2) years.

D. Failure to Develop and Implement an Adequate Monitoring and Reporting Program and to Perform Annual Comprehensive Site Compliance Evaluations

The Industrial Stormwater Permit requires facility operators to develop and implement a Monitoring and Reporting Program ("MRP"). *See* Industrial Stormwater Permit, § XI; Previous Industrial Stormwater Permit § B(1) and Order Part E(3). The Industrial Stormwater Permit requires that MRP ensure that each the facility's stormwater discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in the Industrial Stormwater Permit. *Id.* Facility operators must ensure that their MRP practices reduce or prevent pollutants in stormwater and authorized non-stormwater discharges as well as evaluate and revise their practices to meet changing conditions at the facility. *Id.* This may include revising the SWPPP as required by § X(A) of the Industrial Stormwater Permit and/or § A Previous Industrial Stormwater Permit.

The MRP must measure the effectiveness of BMPs used to prevent or reduce pollutants in stormwater and authorized non-stormwater discharges, and facility operators must revise the MRP whenever appropriate. *See* Industrial Stormwater Permit, § XI; Previous Industrial Stormwater Permit § at Section B. The Industrial Stormwater Permit requires facility operators to visually observe and collect samples of stormwater discharges from all drainage areas. *Id.* Facility operators are also required to provide an explanation of monitoring methods describing how the facility's monitoring program will satisfy these objectives. *Id.*

Raymer Metals has been operating the Facility with an inadequately developed and/or inadequately implemented MRP, in violation of the substantive and procedural requirements set forth in Section B of the Industrial Stormwater permit. For example, the data in Attachment 2 indicates that Raymer Metals' monitoring program has not ensured that stormwater dischargers are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of the Industrial Stormwater Permit as required by the Industrial Stormwater Permit, § XI and/or the Previous Industrial Stormwater Permit § B. The monitoring has not resulted in practices at the Facility that adequately reduce or prevent pollutants in stormwater as required by Industrial Stormwater Permit, § XI and/or the Previous Industrial Stormwater Permit § B. Additionally, the Industrial Stormwater Permit requires dischargers to comply with Effluent Limitations "consistent with U.S. EPA's 2008 Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity (the "2008 MSGP")". The 2008 MSGP has specific numeric effluent limitations based upon Stand Industrial Classification ("SIC") codes. Notably, Raymer Metals is classified as falling under SIC Code 5093, relating to Scrap and Waste materials, requiring it to be within numerical effluent limitations for (i) COD; (ii) TSS; (iii) Aluminum Total Recoverable; (iv) Total Copper; (v) Total Recoverable Iron; (vi) Total Lead; and (vii) Total Zinc. As previously stated, and in clear violation of the terms of the Industrial Stormwater Permit, Raymer Metals has reported exceedances or failed to report testing results for any applicable effluent limitation in any of their annual reports for the past three (3) annual reporting periods. *See* Attachments 2, 3. Additionally, Raymer Metals has failed to include testing for Total Copper in its effluent testing included in its 2015-2016 annual report. Therefore, the data in Attachment 2 indicates that Raymer Metals' monitoring program has not effectively identified or responded to compliance problems at the Facility or resulted in effective revision of the BMPs in use or the Facility's SWPPP to address such ongoing problems as required by Industrial Stormwater Permit, § XI and/or the Previous Industrial Stormwater Permit § B.

As a part of the MRP, the Industrial Stormwater Permit specifies that Facility operators shall collect a total of four (4) stormwater samples throughout an annual reporting period. Specifically the Industrial Stormwater Permit requires, "The discharger to collect and analyze samples from two (2) Qualifying Storm Events ('QSE's) within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30)." Industrial Stormwater Permit § XI B(2).⁸ Furthermore, should facility operators fail to collect samples from the first storm event of the wet season, they are still required to collect samples from two other storm events during the wet season, and explain in the annual report why the first storm event was not sampled. *Id.* Despite this requirement Raymer Metals has submitted the annual report for the 2014-2015 and 2013-2014 reporting periods with no testing data whatsoever, and submitted the annual report for the 2015-2016 reporting period with testing data from only one (1) QSE. Additionally, Raymer Metals has failed to adequately explain why such sampling was not included.

The Industrial Stormwater Permit also requires dischargers to include laboratory reports with their Annual Reports submitted to the Regional Board. *See* Industrial Stormwater Permit, Fact Sheet § O and/or Previous Industrial Stormwater Permit § B(14). Notably, Raymer Metals has not submitted any laboratory reports with testing data for a second, third, or fourth QSE in the 2015-2016 annual reporting period, or any laboratory reports whatsoever for the 2014-2015 and 2013-2014 reporting periods. Additionally, Raymer Metals has failed to adequately explain why such sampling was not included.

As a result of Raymer Metals' failure to adequately develop and/or implement an adequate MRP at the Facility, Raymer Metals has been in daily and continuous violation of the Industrial Stormwater Permit and the CWA each and every day for the past two (2) years. These violations are ongoing. Raymer Metals will continue to be in violation of the monitoring and reporting requirement each day that Raymer Metals fails to adequately develop and/or implement an effective MRP at the Facility. Raymer Metals is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring for the last two (2) years.

E. Unpermitted Discharges

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES Permit issued pursuant to Section 402 of the CWA. *See* 33 U.S.C. §§ 1311(a), 1342. Raymer Metals sought coverage for the Facility under the Industrial Stormwater Permit, which states that any discharge from an industrial facility not in compliance with the Industrial Stormwater Permit "must be either eliminated or permitted by a separate NPDES permit." Industrial Stormwater Permit, § III; Previous Industrial Stormwater Permit, Order Part A(1). Because Raymer Metals has not obtained coverage under a separate NPDES permit and has failed to eliminate discharges not permitted by the Industrial Stormwater Permit, each and every discharge from the Facility described herein not in compliance with the Industrial Stormwater Permit has constituted and will continue to constitute a discharge without CWA Permit coverage in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

IV. PERSON RESPONSIBLE FOR THE VIOLATIONS

Raymer Metals Inc. is the person responsible of the violations at the Facility described above.

V. NAME AND ADDRESS OF NOTICING PARTY

Jeanelle Jones
Personal
Inglewood, CA 90302
P Personal

⁸ Under the Previous Industrial Stormwater Permit, only two samplings per year was required, specifically, from "the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season." *See* Previous Industrial Stormwater Permit § B(5)(a).

VI. COUNSEL

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VII. REMEDIES

Jones intends, at the close of the 60-day notice period or thereafter, to file a citizen suit under CWA section 505(a) against Raymer Metals for the above-referenced violations. Jones will seek declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. In addition, Jones will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4, against Raymer Metals in this action. The CWA imposes civil penalty liability of up to \$37,500 per day per violation for violations occurring after January 12, 2009. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4. Jones will seek to recover attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d).

As noted above, Jones and her Counsel are willing to meet with you during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact me to initiate these discussions.

Sincerely,



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**ATTACHMENT 1: EPA BENCHMARKS AND WATER QUALITY STANDARDS FOR
DISCHARGES TO FRESHWATER**

A. EPA Benchmarks, 2008 Multi-Sector General Permit ("MSGP")

Parameter	Units	Benchmark Value	Source
Chemical Oxygen Demand (COD)	Mg/L	120	2008 MSGP
Total Suspended Solids (TSS)	Mg/L	100	2008 MSGP
Aluminum Total Recoverable	Mg/L	0.75	2008 MSGP
Total Copper	Mg/L	0.0038-0.0332*	2008 MSGP
Total Recoverable Iron	Mg/L	1.0	2008 MSGP
Total Lead	Mg/L	0.014-0.262	2008 MSGP
Total Zinc	Mg/L	0.04-0.26*	2008 MSGP

* Dependent on freshwater hardness range.

**B. Water Quality Standards – Discharge Limitations and Monitoring Requirements
(40 CFR Part 131.38 (California Toxics Rule or CTR), May 18, 2000)**

Parameter	Units	Water Quality Objectives		Source
		4- Day Average	1-Hr Average	
Lead	Mg/L	0.0081	0.21	40 CFR Part 131.38
Zinc	Mg/L	0.081	0.090	40 CFR Part 131.38

**ATTACHMENT 2: TABLE OF EXCEEDENCES FOR
RAYMER METALS, INC.**

The following table contains each stormwater sampling result which exceeds EPA Benchmarks and/or causes or contributes to an exceedance of CFR and/or Basin Plan Water Quality Standards. All EPA Benchmarks and CFR and/or Basin Plan Water Quality Standards are listed in Attachment 1. All stormwater samples were reported by the Facility during the past two (2) years.

Reporting Period	Sample Date	Parameter	Result	Unit
2015-2016	01/05/2016	Iron, Total	1.3	Mg/L
2015-2016	01/05/2016	Zinc, Total	1.5	Mg/L

* Raymer Metals has failed to submit testing results for any required effluent limitations contained in the submitted 2014-2015 and 2013-2014 annual reports.

* Raymer Metals has failed to submit any Laboratory Reports for 2014-2015 and 2013-2014 annual reporting periods, and has failed to submit Laboratory Reports with testing data for a second, third, or fourth QSE in the 2015-2016 reporting period.

* Raymer Metals' submitted 2015-2016 Annual Report only contain test results for required effluent limitations for one (1) QSE rather than the required four (4) QSEs or two (2) QSEs under the Industrial Stormwater Permit and/or Previous Industrial Stormwater Permit, as applicable.

* Raymer Metals' submitted testing results contained in its 2015-2016 Annual Report and accompanying Laboratory Report fail to supply testing for Total Copper, as required.

January 1, 2011 – October 9, 2016

<http://www.ncdc.noaa.gov/cdo-web/search>

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